

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas

FILED

May 20, 2021

Nathan Ochsner, Clerk of Court

United States of America

v.

Jose Oziel GOMEZ-Valenzuela

Case No. **4:21mj1139**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 19, 2021 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 922(g)(1)

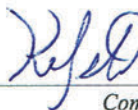
Possession of ammunition by a person convicted of a felony which carries a potential sentence of greater than one year, shipped in interstate commerce.

18 U.S.C. 922(g)(5)

Possession of ammunition by an alien that is unlawfully present in the United States, shipped in interstate commerce.

This criminal complaint is based on these facts:

See "Affidavit"

☒ Continued on the attached sheet.

Complainant's signature

Kevin Istre, ATF Special Agent

Printed name and title

Telephonically sworn to before me and signed.

Date: 05/20/2021City and state: Houston, Texas

Judge's signature

Dena Palermo, United States Magistrate Judge

Printed name and title

Affidavit for Criminal Complaint

I, Kevin Istre, being duly sworn and deposed, state the following:

I am a Special Agent employed by the Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) assigned to Group VIII of the Houston, TX Field Division. I have been employed by ATF since May 2014. Beginning in November 2004, I was a Police Officer with the City of Baton Rouge, Louisiana, where I served as a Task Force Agent with the Drug Enforcement Administration from July 2009 until May of 2014. During my career I have investigated violations of Federal and State laws to include firearms, criminal organizations, and illegal substances.

This affidavit is made for the limited purpose of establishing probable cause in support of a criminal complaint alleging that **Jose Oziel GOMEZ-Valenzuela** possessed ammunition knowing he was a prohibited person in violation of Title 18 United States Code Sections 922(g)(1), 922(g)(5), and 924(a)(2). Based on my personal knowledge and information I have received from other law enforcement investigators I am aware of the following facts:

1. Investigators with the Houston Division of the ATF began an investigation into a transnational criminal organization in December 2019 following the recovery of multiple firearms from crime scenes in the country of Mexico. Following the use of multiple investigative techniques to include co-defendant statements, the use of confidential informants and both electronic and physical surveillance, investigators identified **Jose Oziel GOMEZ-Valenzuela** as a subject attempting to acquire firearms and ammunition to illegally export to Mexico.

2. Investigators were able to determine **Jose Oziel GOMEZ-Valenzuela** was arrested in Rockwall, Texas for Possession of more than five pounds and less than fifty pounds of marijuana

in March of 2012. **Jose Oziel GOMEZ-Valenzuela** was ultimately convicted of this crime, classified as a felony in the State of Texas, which carries a sentence of greater than one year imprisonment. According to records provided to Agents, **Jose Oziel GOMEZ-Valenzuela** served a period of Parole for this conviction.

3. Investigators were also able to determine **Jose Oziel GOMEZ-Valenzuela** is a citizen of the country of Mexico with no lawful presence in the United States of America.

4. An ATF previously proven and reliable confidential informant (CI) was contacted by **Jose Oziel GOMEZ-Valenzuela** who was attempting to purchase a .50 caliber Barrett rifle. **Jose Oziel GOMEZ-Valenzuela** indicated the rifle was going to be smuggled into Mexico. The CI agreed to sell **Jose Oziel GOMEZ-Valenzuela** the firearm on the afternoon of May 19, 2021.

5. On May 19, 2021 the CI and an ATF undercover agent met **Jose Oziel GOMEZ-Valenzuela** and two of his associates in the 11000 block of Bentley Street, in the city of Houston, Southern District of Texas. After attempting to complete the transaction, both parties failed to come to an agreement. **Jose Oziel GOMEZ-Valenzuela** and his associates departed from the location.

6. **Jose Oziel GOMEZ-Valenzuela** was traffic stopped a short distance away and during a probable cause search of the vehicle Agents located a bag containing a large amount of United States Currency and an AR-style magazine loaded with twenty-six rounds of .300 blackout ammunition (seventeen rounds of CBC manufactured ammunition and nine rounds of Remington manufactured ammunition) in the center console.

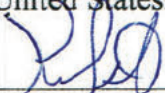
7. **Jose Oziel GOMEZ-Valenzuela** refused to give a statement to Agents.

8. The female passenger of the vehicle driven by **Jose Oziel GOMEZ-Valenzuela** advised she was the mother of **Jose Oziel GOMEZ-Valenzuela's** children. She claimed she was

unaware of any firearms or ammunition in the vehicle and that any items found in the vehicle belonged to **Jose Oziel GOMEZ-Valenzuela**. She further stated she knew of the bulk US currency in the vehicle but did not know the amount and stated it belonged to **Jose Oziel GOMEZ-Valenzuela** and to her knowledge was from the sale of a vehicle. The female passenger advised she knew **Jose Oziel GOMEZ-Valenzuela** to be unlawfully in the United States due to the fact that he had told her so.

9. The affiant spoke to an ATF Interstate Nexus Expert who advised neither CBC or Remington ammunition is manufactured in the State of Texas thus travelling in and effecting interstate commerce.

10. Based upon the foregoing information and my training and experience I believe information has been presented which supports a request for the issuance of an arrest warrant for **Jose Oziel GOMEZ-Valenzuela** for violation of Title 18 United States Code Sections 922(g)(1), 922(g)(5), and 924(a)(2), Possession of Ammunition by a Person Convicted of a Felony Offense and a Person Without Lawful Presence in the United States.



Kevin Istre
Special Agent, US Department of Justice
Alcohol, Tobacco, Firearms & Explosives

Sworn to and subscribed telephonically to me this 20th day of May, 2021 and I hereby find probable cause.



Dena Palermo
United States Magistrate Judge